

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AVOCENT REDMOND CORP., a Washington
corporation,

Plaintiff,

v.

ROSE ELECTRONICS, a Texas general
partnership; PETER MACOUREK, an
individual; DARIOUSH "DAVID" RAHVAR,
an individual; ATEN TECHNOLOGY INC., a
California corporation; ATEN
INTERNATIONAL CO., LTD., a Taiwanese
Company; BELKIN INTERNATIONAL, INC.,
a Delaware corporation, and BELKIN INC., a
Delaware corporation,

Defendants.

NO. C06-1711 MJP

DECLARATION OF JOHN A. KNOX
IN SUPPORT OF AVOCENT'S
MOTION TO LIFT THE STAY AND
REQUEST FOR SCHEDULING
CONFERENCE

I, John A. Knox, hereby declare as follows:

1. I am one of the attorneys for Plaintiff Avocent Redmond Corp. ("Avocent") in this action.

2. Attached as Exhibit 1 is a true and correct copy of the Ex Parte Reexamination Certificate issued June 23, 2009 concerning the '264 patent.

3. Attached as Exhibit 2 is a true and correct copy of Ex Parte Reexamination Certificate issued October 20, 2009 concerning the '978 patent.

1 4. Attached as Exhibit 3 is a true and correct copy of Ex Parte Reexamination
2 Certificate issued November 3, 2009 concerning the '096 patent.

3 5. Attached as Exhibit 4 is a true and correct copy of the second Ex Parte
4 Reexamination Certificate issued June 8, 2010 concerning the '264 patent.

5 6. Attached as Exhibit 5 is a true and correct copy of the second Ex Parte
6 Reexamination Certificate issued March 8, 2011 concerning the '096 patent.

7 7. Attached as Exhibit 6 is a true and correct copy of the Complaint for
8 Unauthorized Use of Patented Inventions, without exhibits, which Avocent Redmond Corp.
9 filed in the Court of Federal Claims on January 31, 2008.

10 8. Attached as Exhibit 7 is a true and correct copy of the Order issued July 10,
11 2008 by Judge Margolis allowing Rose Electronics to intervene as a defendant in Avocent's
12 Court of Federal Claims action.

13 9. Attached as Exhibit 8 is a true and correct copy of Rose Electronics' Answer
14 and Defenses filed in the Court of Federal Claims action. The Fifth Additional Defense
15 asserted by Rose Electronics included that Avocent's "claims of infringement were limited or
16 barred by the doctrine of laches".

17 10. Attached as Exhibit 9 is a true and correct copy of the cover page and page 57
18 of a June 2007 Research Report prepared by Venture Development Corporation entitled "KVM
19 and Console Switch Solutions: Global Market Demand Analysis".

20 11. Attached as Exhibit 10 is a true and correct copy of the Supplemental Response
21 After Non-Final Rejection in a Re-Examination submitted by Avocent on November 8, 2010.

22 12. Attached as Exhibit 11 is a true and correct copy of an Office Action of the
23 United States Patent and Trademark Office dated January 18, 2011.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 ///

26 ///

27 ///

1 DATED this 28th day of April, 2011.

2 s/John A. Knox, WSBA #12707
3 WILLIAMS, KASTNER & GIBBS PLLC
4 601 Union Street, Suite 4100
5 Seattle, WA 98101-2380
6 P: (206) 628-6600; F: (206) 628-6611
7 E: jknox@williamskastner.com
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 28, 2011 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Rose Electronics, Peter Macourek, and Darioush "David" Rahvar:

Jeremy E Roller
Yarmuth Wilsdon Calfo PLLC
818 Stewart St., Ste. 1400
Seattle, WA 98101

Michael S. Dowler
Park Vaughn Fleming & Dowler
5847 San Felipe Ste 1700
Houston, TX 77057

Floyd R. Nation
Jeffrey J. Phillips
WINSTON & STRAWN LLP
1111 Louisiana, 25th Floor
Houston, TX 77002

Brian L. Jackson
LAW OFFICE OF BRIAN L. JACKSON
1302 Waugh Drive, #582
Houston, TX 77019-3908

Attorneys for Aten Technology, Inc. and Aten International Co., Ltd.:

Thomas F. Ahearne
Jeremy R. Larson
FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101-3299

Ming-Tao Yang
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Stanford Research Park
3300 Hillview Avenue
Palo Alto, CA 94304-1203

Attorneys for Belkin International, Inc. and Belkin, Inc.:

Michael A. Moore
CORR CRONIN MICHELSON BAUMGARDNER
& PREECE LLP
1001 4th Ave Ste 3900
Seattle, WA 98154-1051

David P. Enzminger
Ryan K. Yagura
Vision L. Winter
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899

DATED this 28th day of April, 2011.

s/John A. Knox